

**CHRISTENSEN JAMES & MARTIN**

Evan L. James, Esq. (7760)

Daryl E. Martin, Esq. (6735)

7440 W. Sahara Avenue

Las Vegas, Nevada 89117

Telephone: (702) 255-1718

Facsimile: (702) 255-0871

Email: [elj@cjmlv.com](mailto:elj@cjmlv.com), [dem@cjmlv.com](mailto:dem@cjmlv.com)*Attorneys for California Ironworkers Field Pension Trust,**California Ironworkers Field Welfare Trust, California and**Vicinity Field Ironworkers Annuity Fund, California Field**Ironworkers Vacation Trust Fund, California Field Ironworkers**Apprenticeship Training and Journeyman Retraining Fund,**Ironworkers Workers' Compensation Trust, California Field**Ironworkers Administrative Trust, and California**Field Ironworkers Labor Management Cooperative Trust***UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

The Trustees of the California Ironworkers Field Pension Trust, California Ironworkers Field Welfare Trust, California and Vicinity Field Ironworkers Annuity Fund, California Field Ironworkers Vacation Trust Fund, California Field Ironworkers Apprenticeship Training and Journeyman Retraining Fund, Ironworkers Workers' Compensation Trust, California Field Ironworkers Administrative Trust, and California Field Ironworkers Labor Management Cooperative Trust,

Plaintiffs,

vs.

Derr & Isbell Construction, LLC, a Delaware limited liability company; Arch Insurance Company, a Missouri corporation; SureTec Insurance Company, a Texas surety company; Merrill Iron & Steel, Inc., a Wisconsin Corporation; Nevada State Contractors Board, a Nevada regulatory agency; Liberty Mutual Insurance Company, a Massachusetts corporation; M. A. Mortenson Company, a Minnesota corporation; McCarthy Building Companies, Inc., a Missouri corporation; Federal

Case No.: 2:20-cv-00716-JCM-NJK

**STIPULATION TO DISMISS CASE**

Insurance Company, an Illinois corporation; and  
 Mortenson-McCarthy Las Vegas Stadium, a  
 Joint Venture, a general partnership; Hinner,  
 Hinner, Rajek, LLC, a Wisconsin limited  
 liability company; Hinner, LLC, a Wisconsin  
 limited liability company,

Defendants.

The Plaintiffs, The Trustees of the California Ironworkers Field Pension Trust, California  
 Ironworkers Field Welfare Trust, California and Vicinity Field Ironworkers Annuity Fund,  
 California Field Ironworkers Vacation Trust Fund, California Field Ironworkers Apprenticeship  
 Training and Journeyman Retraining Fund, Ironworkers Workers' Compensation Trust,  
 California Field Ironworkers Administrative Trust, and California Field Ironworkers Labor  
 Management Cooperative Trust (collectively "Plaintiffs"), by and through their attorney, Evan L.  
 James, Esq., and Defendants, Derr & Isbell Construction, LLC and Arch Insurance Company  
 (collectively "Derr Defendants"), by and through their attorney, Brian J. Pezzillo, Esq.; Merrill  
 Iron & Steel, Inc., Liberty Mutual Insurance Company, Hinner, Hinner, Rajek, LLC and Hinner,  
 LLC (collectively "Merrill Defendants"), by and through their attorney, Bradley Taylor, Esq.; and  
 M. A. Mortenson Company, McCarthy Building Companies, Inc., Federal Insurance Company  
 and Mortenson-McCarthy Las Vegas Stadium (collectively "MMcJV Defendants"), by and  
 through their attorney, George F. Ogilvie III, Esq. hereby stipulate pursuant to FRCP  
 41(a)(1)(A)(ii) to dismiss the case as follows:

1. The parties have executed a Settlement Agreement setting forth specific terms and  
 conditions, which are incorporated herein by reference.

2. Plaintiffs' claims are dismissed with prejudice in accordance with the terms of the  
 Settlement Agreement which retains certain rights by the Plaintiffs against Derr & Isbell  
 Construction, LLC that may be enforced in accordance with the terms of the Settlement  
 Agreement and the Employee Retirement Income Security Act.

3. The parties agree that the Court retains jurisdiction over the Settlement Agreement to enforce the terms of the Settlement Agreement.

4. The parties further agree that this Stipulation and the dismissal of claims do not extend to claims asserted beyond this Lawsuit as recognized and limited in the Settlement Agreement.

CHRISTENSEN JAMES & MARTIN

HOWARD & HOWARD

By: /s/ Evan L. James  
 Evan L. James, Esq. (7760)  
 Daryl E. Martin, Esq. (6735)  
 7440 W. Sahara Avenue  
 Las Vegas, Nevada 89117  
 Tel: (702) 255-1718  
 Fax: (702) 255-0871  
 Email: elj@cjmlv.com;  
 dem@cjmlv.com  
*Attorneys for Plaintiffs*

By: /s/ Brian J. Pezzillo  
 Brian J. Pezzillo, Esq. (7136)  
 3800 Howard Hughes Pkwy., Ste. 1000  
 Las Vegas, NV 89169  
 bpezzillo@howardandhoward.com  
*Attorney for Derr & Isbell Construction, LLC and  
 Arch Insurance Company*

Gordon Rees Scully Mansukhani

McDonald Carano LLP

By: /s/ Bradley Taylor  
 Robert E. Schumacher, Esq. (7504)  
 Bradley Taylor, Esq. (13778)  
 300 South 4th Street, Suite 1550  
 Las Vegas, NV 89101  
 rschumacher@grsm.com  
 btaylor@grsm.com  
*Attorneys for Merrill Iron & Steel, Inc.;  
 Liberty Mutual Insurance Company and;  
 Hinner, LLC; and Hinner, Hinner, Rajek,  
 LLC*

By: /s/ George F. Ogilvie III  
 George F. Ogilvie III, Esq. (3552)  
 2300 W Sahara Ave., Suite 1200  
 Las Vegas, NV 89102  
 gogilvie@mcdonaldcarano.com  
*Attorneys for M. A. Mortenson Company; McCarthy  
 Building Companies, Inc.; Federal Insurance  
 Company; and Mortenson-McCarthy Las Vegas  
 Stadium, a Joint Venture*

**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin and caused a true and correct copy of the foregoing document to be served in the following manner on the date it was filed with the Court's ECF System.

✓ ELECTRONIC SERVICE: Through the Court's E-Filing System to the following:

Brian J. Pezzillo  
bpezzillo@howardandhoward.com  
*Attorney for Derr & Isbell Construction, LLC and Arch Insurance Company*

Robert E Schumacher  
Bradley Taylor  
rschumacher@grsm.com  
btaylor@gordonrees.com  
*Attorneys for Merrill Iron & Steel, Inc.; Liberty Mutual Insurance Company; Hinner, LLC; and Hinner, Hinner, Rajek, LLC*

George F. Ogilvie III (3552)  
gogilvie@mcdonaldcarano.com  
*Attorneys for M. A. Mortenson Company; McCarthy Building Companies, Inc.; Federal Insurance Company; and Mortenson-McCarthy Las Vegas Stadium, a Joint Venture*

**CHRISTENSEN JAMES & MARTIN**

By: /s/ Carma Johnson

**CHRISTENSEN JAMES & MARTIN**

Evan L. James, Esq. (7760)

Daryl E. Martin, Esq. (6735)

7440 W. Sahara Avenue

Las Vegas, Nevada 89117

Telephone: (702) 255-1718

Facsimile: (702) 255-0871

Email: elj@cjmlv.com, dem@cjmlv.com

*Attorneys for California Ironworkers Field Pension Trust,**California Ironworkers Field Welfare Trust, California and**Vicinity Field Ironworkers Annuity Fund, California Field**Ironworkers Vacation Trust Fund, California Field Ironworkers**Apprenticeship Training and Journeyman Retraining Fund,**Ironworkers Workers' Compensation Trust, California Field**Ironworkers Administrative Trust, and California**Field Ironworkers Labor Management Cooperative Trust***UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

The Trustees of the California Ironworkers Field Pension Trust, California Ironworkers Field Welfare Trust, California and Vicinity Field Ironworkers Annuity Fund, California Field Ironworkers Vacation Trust Fund, California Field Ironworkers Apprenticeship Training and Journeyman Retraining Fund, Ironworkers Workers' Compensation Trust, California Field Ironworkers Administrative Trust, and California Field Ironworkers Labor Management Cooperative Trust,

Plaintiffs,

vs.

Derr & Isbell Construction, LLC, a Delaware limited liability company; Arch Insurance Company, a Missouri corporation; SureTec Insurance Company, a Texas surety company; Merrill Iron & Steel, Inc., a Wisconsin Corporation; Nevada State Contractors Board, a Nevada regulatory agency; Liberty Mutual Insurance Company, a Massachusetts corporation; M. A. Mortenson Company, a Minnesota corporation; McCarthy Building Companies, Inc., a Missouri corporation; Federal

Case No.: 2:20-cv-00716-JCM-NJK

**ORDER GRANTING STIPULATION TO  
DISMISS CASE**

Insurance Company, an Illinois corporation; and  
Mortenson-McCarthy Las Vegas Stadium, a  
Joint Venture, a general partnership; Hinner,  
Hinner, Rajek, LLC, a Wisconsin limited  
liability company; Hinner, LLC, a Wisconsin  
limited liability company,

Defendants.

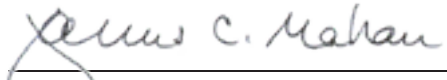
The parties' stipulation to dismiss the case is granted. It is hereby ordered that

1. Plaintiffs' claims are dismissed with prejudice in accordance with the terms of the Settlement Agreement which retains certain rights by the Plaintiffs against Derr & Isbell Construction, LLC that may be enforced in accordance with the terms of the Settlement Agreement and the Employee Retirement Income Security Act.

2. The Court retains jurisdiction over the Settlement Agreement to enforce the terms of the Settlement Agreement.

3. This Order and dismissal of claims does not extend to claims asserted beyond this Lawsuit as recognized and limited in the Settlement Agreement.

Dated November 12, 2020.

  
United States District Court Judge

Submitted by:

CHRISTENSEN JAMES & MARTIN

By: /s/ Evan L. James  
Evan L. James, Esq. (7760)  
Daryl E. Martin, Esq. (6735)  
7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 255-1718  
Fax: (702) 255-0871  
Email: [elj@cjmlv.com](mailto:elj@cjmlv.com);  
[dem@cjmlv.com](mailto:dem@cjmlv.com)